

RYAN L. DENNETT, ESQ.
Nevada Bar No. 005617
rdennett@dennettwinspear.com
MATTHEW J. WAGNER, ESQ.
Nevada Bar No. 011311
mwagner@dennettwinspear.com
DENNETT WINSPEAR, LLP
3301 N. Buffalo Drive, Suite 195
Las Vegas, Nevada 89129
Telephone: (702) 839-1100
Facsimile: (702) 839-1113
***Attorneys for State Farm Mutual
Automobile Insurance Company***

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DIANE F. KROLL,

Plaintiff,

Case No: 2:19-cv-00311-APG-BNW

vs.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY; DOES I through X; and
ROE CORPORATIONS I through X, inclusive,

Defendants.

**STIPULATION AND ORDER TO EXTEND
DISCOVERY FOR PURPOSES OF
COMPLETING THE DEPOSITION OF
PLAINTIFF'S TREATING PHYSICIAN**
***(Second Request – Limited extension
only)***

Plaintiff, DIANE F. KROLL, by and through her attorney, ROBERT L. AMICK, ESQ. of the AMICK LAW OFFICE and STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, by and through its attorneys, RYAN L. DENNETT, ESQ. and MATTHEW J. WAGNER, ESQ., of the law firm of DENNETT WINSPEAR, LLP, submit this STIPULATION AND ORDER TO EXTEND DISCOVERY FOR PURPOSES OF COMPLETING THE DEPOSITION OF PLAINTIFF'S TREATING PHYSICIAN (*Second Request – Limited extension only*) pursuant to Rules 6(b) and 26(f) of the Federal Rules of Civil Procedure and Local Rule 6-1 and 26-4 for the Court's consideration:

I.

DISCOVERY COMPLETED TO DATE

1. A 26(f) Conference was held and a Discovery Plan and Scheduling Order was filed. The Court denied the parties' mutual request for 260 days to conduct discovery based on

1 “good cause” for requesting a special scheduling review and ordered a standard 180-day plan
2 consistent with LR 261(b).

3 2. Plaintiff served her Witness and Document list on May 15, 2019, outlining ten (10)
4 medical providers with medical specials totaling \$364,661.72. Additionally, Plaintiff disclosed
5 economic damages per a Report by Terrance M. Dinneen for past and future vocational losses
6 alleged to be caused by the subject accident in the total sum of \$271,763.00.

7 3. Defendant served its Witness and Document list on May 22, 2019, containing
8 documentary evidence regarding the claim of the Plaintiff, along with various authorizations to be
9 executed by the Plaintiff in order to obtain medical records and bills, as well as insurance
10 documentation, worker comp records and employment information.

11 4. Defendant served written discovery on Plaintiff on June 6, 2019, consisting of
12 interrogatories, requests for production of documents, and requests for admission related to the
13 breach of contract, common law bad faith, and statutory bad faith claims. Those discovery
14 requests have been responded to.

15 5. Plaintiff served written discovery on Defendant on August 15, 2019 and granted
16 Defendant an extension on September 9, 2019 to respond to the same by September 30, 2019.

17 6. Plaintiff’s deposition was completed on August 19, 2019.

18 7. Plaintiff served her expert disclosure on August 20, 2019.

19 8. Defendant served its expert disclosure on September 9, 2019.

20 II.

21 DISCOVERY TO BE COMPLETED

22 The only remaining discovery to be completed is the deposition of Plaintiff’s treating
23 physician, Jaswinder S. Grover, M.D., who has advised that his first available date to take his
24 deposition is Friday, November 8, 2019, one day after the close of discovery.

25 ///

26 ///

27 ///

28 ///

III.

**WHY DISCOVERY CANNOT BE COMPLETED IN THE TIME PROVIDED BY THE FIRST
EXTENSION TO EXTEND DISCOVERY**

This case involves complex damages claims, many doctors and specialists, invasive surgery, significant economic losses, and claims of common law and statutory bad faith against Plaintiff's insurer. Dr. Grover is one of Plaintiff's treating physicians, specifically an orthopedic surgeon who has performed surgery on Plaintiff before and after the accident, and it is anticipated he will testify regarding Plaintiff's injuries and causation, resultant medical condition, diagnosis and prognosis, course of treatment and Plaintiff's need for future care and treatment. Accordingly, the parties request that the discovery deadlines be extended by **one day** to accommodate Dr. Grover's schedule and to obtain his testimony. No other extensions are requested at this time.

DATED: Sept. 27, 2019**AMICK LAW OFFICES**

By /s/ Robert L. Amick
ROBERT L. AMICK, ESQ.
Nevada Bar No. 5204
6030 S. Rainbow Blvd., Suite D-1
Las Vegas, Nevada 89118
Telephone: (702) 320-1616
Facsimile: (702) 320-3979
Attorney for Plaintiff,
DIANE F. KROLL

DATED: Sept. 27, 2019**DENNETT WINSPEAR, LLP**

By /s/ Matthew J. Wagner
MATTHEW J. WAGNER, ESQ.
Nevada Bar No. 11311
3301 N. Buffalo Drive, #195
Las Vegas, Nevada 89129
Telephone: (702) 839-1100
Facsimile: (702) 839-1113
Attorneys for Defendant, STATE FARM
MUTUAL AUTOMOBILE INSURANCE
COMPANY

ORDER

IT IS SO ORDERED.

DATED: October 3, 2019U.S. MAGISTRATE JUDGE